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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JOHN DOE, *et al.*, individually and on
behalf of all others similarly situated,

Plaintiffs,

GOOGLE LLC,

Defendant.

Case No. 3:23-cv-02431-VC

**JOINT NOTICE OF WITNESS
AVAILABILITY FOR PRELIMINARY
INJUNCTION HEARING**

Judge: Hon. Vince Chhabria

Date: September 21, 2023

Time: 10:00AM PT

Ctrm: 4, 17th Floor

This document applies to: All Actions

INTRODUCTION

The parties file this Joint Notice of Witness Available for Preliminary Injunction Hearing to apprise the Court of the availability and the parties' respective positions on witness testimony at the preliminary injunction hearing set for September 21, 2023. The parties respectfully request that, should the Court desire testimony from any witnesses on September 21, 2023, the Court notify the parties by September 14, 2023 to allow for any necessary travel and other scheduling arrangements.

THE PARTIES' POSITIONS ON WITNESS AVAILABILITY

Plaintiffs' Position – Plaintiffs believe that the existing filed evidence carries their burden for the Court to grant a preliminary injunction. However, Plaintiffs hereby notify the Court that their expert witnesses (Richard Smith, Dr. Timothy Libert, and Dr. Zubair Shafiq) can be available on September 21, 2023 if the Court desires to ask any questions of them or believes live testimony would be beneficial in any respect. Plaintiffs' witnesses can be available to testify live or via Zoom, at the Court's desire. Additionally, Plaintiffs request that, if the Court has questions for Google's witnesses, that those witnesses also be required to be present at the hearing and for Plaintiffs to be permitted time to question them.

Google's Position – Google does not believe that Plaintiffs have carried their burden for the Court to grant a preliminary injunction and believes Plaintiffs' Motion for Preliminary Injunction may be denied on the papers. However, should the Court desire live testimony at the hearing on September 21, 2023, Google's expert and fact witnesses (Steve Ganem, Oscar Takabvirwa, Dr. Giorgos Zervas, and Mark Teehan,) can be available to testify live or via Zoom. Google also requests that, should the Court have questions for Plaintiffs' witnesses, Google also be permitted to question those witnesses during the hearing.

Dated: September 1, 2023

Respectfully submitted,

SIMMONS HANLY CONROY LLC

By: /s/ Jason 'Jay' Barnes

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CIVIL L.R. 5-1(i)(3) ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Melissa Gardner, hereby attest that concurrence in the filing of this document has been obtained from all signatories.

Dated: September 1, 2023

By: /s/ *Melissa Gardner*
Melissa Gardner